

Appln No. 10/807,014
Amdt date December 27, 2005
Reply to Office action of July 27, 2005

REMARKS/ARGUMENTS

Claims 1-18 and 47 are currently pending in this application. Claims 19-46 were previously cancelled. Claims 1, 7, 15 and 47 have been amended. Therefore, claims 1-18 and 47 are pending in this application.

Telephonic Interview Summary

Applicants' attorneys Mark Garscia and Saeid Mirsafian conducted a telephone interview with the Examiner on November 1, 2005. With regard to the rejection of claims 1-10 under 35 U.S.C. 103(a) over Clement (US 6,048,273) in view of Moriarty (US 3,656,752), Applicants' Attorneys argued that in contrast to the Examiner's assertion in the Office action, Clement does not disclose or even suggest at least one longitudinal support member disposed between and fixedly attached to the attachment structures. The Examiner agreed that Clement does not disclose or even suggest at least one longitudinal support member disposed between and fixedly attached to the attachment structures. The Examiner concluded during the telephone interview that claim 1 is allowable.

With regard to the rejection of claims 7 over Clement in view of Moriarty, Applicants' attorneys argued that the basis for the rejection of claim 7 is similar to that of claim 1. The Examiner agreed that Clement does not disclose or even suggest at least one longitudinal support member disposed between and fixedly attached to the attachment structures as recited in claim 7. The Examiner concluded during the telephone interview that claim 7 is allowable.

With regard to the rejection of claim 15 under 35 U.S.C. 103(a) over Atkinson (US 2,276,141) in view of Marker, Jr. (US 3,722,702), Applicants' attorneys proposed to amend claim 15 to recite "wherein the first portion and the second portion have similar lengths" to overcome the rejection. The Examiner agreed that this amendment would overcome the rejection over Atkinson in view of Marker, Jr.

After the telephone interview, the Examiner contacted Applicants attorney, Saeid Mirsafian, by telephone to present a new reference, namely Chapman (U.S. Patent Publication

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2002/0173370). The Examiner rejected claim 7 under 35 U.S.C. 102(e) over Chapman and rejected claim 47 under 35 U.S.C. 103(a) over Chapman in view of Randall (US 5,209,484). The Examiner stated, however, that claim 1 is allowable as agreed during the telephone interview, because Chapman does not disclose a target attached to the first attachment structure, wherein the target opening is bisected by the vertical plane. The Examiner also stated that claim 15 is allowable if amended as agreed during the telephone interview.

Rejection of Claims 1-10 over Clement in view of Moriarty

Claims 1-6 and 7-10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Clement (US 6,048,273) in view of Moriarty (US 3,656,752). Claims 1 and 7 recite at least one longitudinal support member disposed between and fixedly attached to the attachment structures. In contrast, Clement or Moriarty does not disclose or even suggest the longitudinal support member as recited in claims 1 and 7.

Clement discloses a body 26 and another body 32 that are independent and not attached together. The bodies 26 and 32 are placed on the ground and spaced apart to provide a putting practice space therebetween. An alignment chord 16 extends between the bodies 26 and 32. However, Clement does not disclose or even suggest at least one longitudinal support member disposed between and fixedly attached to the attachment structures.

Moriarty discloses a standard 10 and a base 12 that form a single structure for providing a putting trainer. A pair of vertically aligned sighting members on the standard 10 provides eye alignment with a golf ball. A member 20 is also attached to the standard 10 to provide a line of reference for the club head during the putting swing. However, Moriarty does not disclose or even suggest at least one longitudinal support member disposed between and fixedly attached to the attachment structures.

Because any one of Clement and Moriarty fails to disclose or even suggest at least one longitudinal support member disposed between and fixedly attached to the attachment structures, the rejection of claims 1 and 7, and dependent claims 2-6 and 8-10, respectively, under 35 U.S.C. 103(a) based on Clement and Moriarty should be withdrawn.

Appln No. 10/807,014
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Applicants have amended claim 1 to correct a grammatical error therein.

Applicants have also amended claim 7 to recite a target attached to the first attachment structure, wherein the target defines an opening that is at least as large as a regulation size golf ball, and wherein the target opening is bisected by the vertical plane. Because the Examiner indicated in the telephone interview that claim 1 is allowable, claim 7 as amended herein and claims 8-10 are also allowable.

Rejection of Claims 15-17 over Atkinson in view of Marker Jr.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkinson (US 2,276,141) in view of Marker, Jr. (US 3,722,702). Claim 15 recites at least one longitudinal support member comprising a first portion attached to the first attachment structure and a second portion attached to the second attachment structure, and a hinge that pivotally connects the first portion of the at least one longitudinal support member to the second portion. Claim 15 has been amended to recite that the first portion and the second portion have similar lengths. In contrast, neither Atkinson nor Marker discloses or even suggest a first portion and a second portion that have similar lengths.

Atkinson discloses a shoe rack with two ends structures connected with rods 9. Each end structure is constructed from a front leg member 1 and a rear leg member 2 that are connected by an arcuate member 3 and a pair of braces 4. However, Atkinson does not disclose or even suggest at least one longitudinal support member that comprises a first portion attached to the first attachment structure and a second portion attached to the second attachment structure, wherein the first portion and the second portion have similar lengths, and a hinge that pivotally connects the first portion of the at least one longitudinal support member to the second portion of the at least one longitudinal support member.

Marker Jr. discloses a foldable garment rack 10 that includes two spaced apart frame members 12 that are connected by hang rails 32 and a center frame member 14. The hang rails 32 and the center frame members 14 are connected at the ends thereof to each frame member 12 by hinges 34 and 30, respectively. Accordingly, the garment rack 10 can be folded at the hinges

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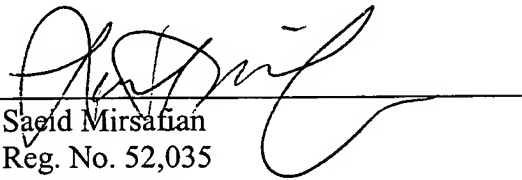
34 and 30 as shown in FIG. 4 of Marker Jr. However, Marker Jr. does disclose or even suggest at least one longitudinal support member comprising a first portion attached to the first attachment structure and a second portion attached to the second attachment structure, wherein the first portion and the second portion have similar lengths, and a hinge that pivotally connects the first portion of the at least one longitudinal support member to the second portion.

Because any one of Atkinson and Marker Jr. fails to disclose or even suggest at least one longitudinal support member comprising a first portion attached to the first attachment structure and a second portion attached to the second attachment structure, wherein the first portion and the second portion have similar lengths, and a hinge that pivotally connects the first portion of the at least one longitudinal support member to the second portion, the rejection of claim 15 and dependent claims 16 and 17, under 35 U.S.C. 103(a) based on Atkinson and Marker Jr. should be withdrawn.

Applicants have amended claim 47 to recite a target attached to the first attachment structure, wherein the target defines an opening that is at least as large as a regulation size golf ball, and wherein the target opening is bisected by the vertical plane. Because the Examiner indicated in the telephone interview that claim 1 is allowable, claim 47 as amended herein is also allowable.

In view of the foregoing, Applicants respectfully request a timely indication of allowance. Should there be any further issues that can be addressed by telephone, Applicants invite the Examiner to contact the undersigned at the number indicated below.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By 
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